



**US Army Corps
of Engineers**

Vicksburg District
4155 Clay Street
Vicksburg, MS 39183-3435
www.mvk.usace.army.mil



Public Notice

APPLICATION NO.:	General Permit 53
EVALUATOR:	Mike Stewart
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DATE:	July 29, 2005
EXPIRATION DATE:	August 29, 2005

FOR: SPECIAL AREA MANAGEMENT PLAN AT THE STENNIS SPACE
CENTER

WHERE: REGULATORY JURISDICTION OF THE VICKSBURG DISTRICT

BY WHOM: DISTRICT ENGINEER, VICKSBURG DISTRICT, ON BEHALF OF THE
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)

Interested parties are hereby notified that the U.S. Army Corps of Engineers, Vicksburg District, and the Mississippi Department of Environmental Quality are considering reissuance of a General Permit and State Water Quality Certification for activities described herein. Comments should be forwarded to: USACE, Vicksburg District, Attention: Regulatory Branch, 4155 Clay Street, Vicksburg, Mississippi 39183-3435 and the Mississippi Department of Environmental Quality, Office of Pollution Control, Post Office Box 10385, Jackson, Mississippi 39289-0385. Comments must reach these offices by the expiration date cited above.

The Vicksburg District is proposing reissuance of a General Permit for regulated activities including the deposition of dredged and fill material into waters of the United States associated with projects consisting of, but not limited to: construction, repair and/or expansion of buildings, parking lots, access roads, pilings, docks, piers, retaining walls, and other appurtenant facilities necessary for the infrastructure and operation of the John C. Stennis Space Center (SSC), Hancock County, Mississippi. A general location map of the SSC is provided as Enclosure 1. **Beyond a five-year time extension, no significant changes are being proposed to the current General Permit-53, which was last reissued on June 5, 2000.**

The National Aeronautics and Space Administration (NASA) and other agencies plan to expand operations at SSC and anticipate unavoidable impacts to wetlands. Therefore, NASA has proposed to mitigate the unavoidable losses of wetland functions and values associated with these projects through creation, restoration, or enhancement and continued management of wetlands on property owned by NASA in the SSC's buffer area. The proposed mitigation plan is available for inspection at the Vicksburg District, Regulatory Branch, 4155 Clay Street, Vicksburg, Mississippi. A summary of the proposed mitigation plan is provided as Enclosure 2.

The Council on Environmental Quality (CEQ) has defined mitigation to include: avoiding impacts, minimizing impacts, rectifying impacts, reducing impacts over time, and compensating for impacts. Early in the design phase of projects to be authorized under this General Permit, avoidance and minimization of impacts to wetlands and other waters of the U.S. must be considered, and the least environmentally damaging practicable alternative must be selected. The remaining impacts must be compensated for to the maximum extent practicable.

The principal types of wetlands which would be impacted by future construction at Stennis Space Center are pine-flatwoods and pitcher plant (*Sarracenia* sp.) bogs. These wetlands contain marginal wildlife habitat due to timber management practices which include monotypic pine plantations and fire suppression. The mitigation plan calls for active management of mitigation areas including plantings, burning, and monitoring to achieve the objectives of the mitigation strategies at both pine savannah and hardwood enhancement areas. The mitigation plan would replace unavoidably lost values either before or concurrent with construction of projects.

This proposed General Permit contains certain limitations intended to protect the environment and natural and cultural resources. Conformance with conditions contained in the General Permit does not necessarily guarantee authorization under this General Permit. In cases where the District Engineer considers it necessary, application will be required for individual permits. Construction, dredging, or fill operations not specifically authorized by this General Permit are prohibited unless authorized by a separate permit.

This action is being taken pursuant to Federal regulations printed in the Federal Register on November 13, 1986, concerning permits for activities in waters of the United States. These regulations state the U.S. Army Corps of Engineers'

responsibility for regulating structures or work in or affecting waters of the United States under Section 10 of the Rivers and Harbors Act of 1899 (30 Stat. 1151; 33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

General Permits may be issued for a category or categories of activities when: (1) those activities are substantially similar in nature and cause only minimal individual and cumulative environmental impacts; or (2) the General Permit would result in avoiding unnecessary duplication of the regulatory control exercised by another Federal, State, or local agency, provided it has been determined that the environmental consequences of the action are individually and cumulatively minimal. The determination that the proposed activities comply with the requirements for issuance of General Permits was made using information which is available for inspection at the offices of the Vicksburg District's Regulatory Branch at 4155 Clay Street, Vicksburg, Mississippi.

In compliance with requirements of Section 401 of the Clean Water Act, the Vicksburg District will obtain water quality certification from the Mississippi Department of Environmental Quality stating that the work authorized by the proposed General Permit will not violate applicable provisions of Sections 301, 302, 306, and 307 of the Act.

REQUEST FOR AUTHORIZATION UNDER THE GENERAL PERMIT: IN ORDER TO BE AUTHORIZED BY THIS GENERAL PERMIT, NASA IS REQUIRED TO SUBMIT TO THE DISTRICT ENGINEER, IN WRITING, THE FOLLOWING INFORMATION AT LEAST 30 DAYS PRIOR TO CONDUCTING THE WORK:

a. Statement that the work will be conducted in compliance with the terms and conditions of General Permit 53 and will not adversely impact adjoining properties.

b. Location map showing the proposed worksite (including section, township, range, and county).

c. Drawing of any proposed structures including dimensions and amounts of excavated and fill material in cubic yards.

d. A brief description of the present condition of the project site and of the proposed activity, its purpose, and intended use.

e. Estimated starting and completion dates of construction.

Upon receipt of this information, the District Engineer will evaluate the proposal and advise the inquiring party, in writing, either that the work is authorized under the General Permit; will request additional information, if needed; or will advise that the proposed activity will require an individual permit.

Special Conditions:

a. The authorized structure(s) shall not extend into the channel of a receiving stream to the extent that it would interfere with navigation (including recreational boating) or adversely affect the flow-carrying capacity of the receiving stream.

b. Side slopes of levees, ditches, and other earthen structures shall be 1 vertical to 3 horizontal, or flatter, to increase stability.

c. Areas excavated for utility lines shall be covered with fill material and the fill stabilized with vegetative cover.

d. Any fill material shall be compacted upon completion of construction. Any areas disturbed by construction activities shall be naturally revegetated, seeded, or sodded as necessary to restore cover and prevent erosion. In areas subject to currents, riprap may be required for slope protection.

e. Material used for fill may be obtained from site preparation or if additional material is required, it shall be obtained from an area which will provide nonpolluting material. Additional material shall not be obtained from any wooded wetland or from any area which will affect an adjacent wetland.

f. All excess fill material not used in construction shall be placed in an upland disposal area.

g. The construction activity shall not prolong the inundation of surrounding wetlands to the point of adverse impacts.

h. No activity which may adversely impact a site listed in, or eligible for listing in, the National Register of Historic Places will be allowed by this General Permit. Additional material shall not be taken from a known historical or archaeological site such as an Indian mound. If the permittee, during prosecution of work authorized herein, encounters a previously unidentified archaeological or other cultural resource within the area subject to Department of Army jurisdiction, the permittee shall immediately notify the District Engineer. The

District Engineer, in consultation with the appropriate State Historic Preservation Officer and the Tribal Archaeologists, will comply with 33 CFR 325, Appendix C, paragraph 11 (Historic Properties Discovered During Construction).

i. Authorized structures shall not increase frequency, duration, or elevation of floodwaters on areas outside the project site.

j. All construction activities shall be performed in a manner that will minimize increased turbidity of the water in the work area and otherwise minimize adverse effects on water quality and aquatic life.

k. The discharge shall not destroy or adversely affect threatened or endangered species or their critical habitat as identified under the Endangered Species Act.

l. The National Aeronautics and Space Administration shall implement the features of the mitigation plan either prior to or concurrent with the discharge of dredged and/or fill material in wetlands to ensure equal replacement of habitat units lost as a result of that project.

m. The National Aeronautics and Space Administration shall be responsible for the long-term success of the mitigation site. Long-term success will be considered as 75 percent hardwood survival at 3 years from planting with a goal of 75 percent hardwood crown closure at the end of 10 years from planting.

n. The National Aeronautics and Space Administration shall be responsible for the administration of the mitigation features of the special area management plan including accounting of credit/debit transactions and reporting of monitoring results.

o. Authorization under this General Permit is valid for 3 years from the date of the authorizing letter.

p. If an authorized project is abandoned, NASA must restore the affected areas to pre-project conditions and will bear the expense of the restoration.

General Conditions:

a. You must maintain the activity authorized by this General Permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition b. below. Should you wish to cease to

maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this authorization from this office, which may require restoration of the area.

b. If you sell the property associated with the authorization under this General Permit, you must contact this office so that the authorization can be transferred to the new owner.

c. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

d. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

e. This permit does not grant any property rights or exclusive privileges.

f. This permit does not authorize any injury to the property or rights of others.

g. This permit does not authorize interference with any existing or proposed Federal project.

h. In issuing this permit, the Federal Government does not assume any liability for the following:

(1) Damages to the permitted project, or uses thereof, as a result of other permitted or unpermitted activities or from natural causes.

(2) Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

(3) Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

(4) Design or construction deficiencies associated with the permitted work.

(5) Damage claims associated with any future modification, suspension, or revocation of this permit.

i. In issuing individual authorization under this General Permit, the Government will rely on the information and data which the permittee provides in connection with his permit

application. If, subsequent to the authorization, such information and data prove to be false, incomplete, or inaccurate, this authorization may be modified, suspended, or revoked, in whole or in part, and/or the Government may, in addition, institute appropriate legal proceedings.

j. This office may re-evaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a re-evaluation include, but are not limited to, the following:

(1) You fail to comply with the terms and conditions of this permit.

(2) The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see i. above).

(3) Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Further Information:

a. Additional copies of this Public Notice are available upon request from this office. Requests may be addressed to: USACE, Vicksburg District, Attention: Regulatory Branch, 4155 Clay Street, Vicksburg, Mississippi 39183-3435.

b. The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

c. The U.S. Army Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or

deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

d. Any person may make a written request for a public hearing to consider this proposed General Permit. This request must be made by the expiration date of this public notice and must clearly state why a hearing is necessary. Any individual or agency may comment on the project described in this notice; however, failure to comment will be interpreted to mean that there is no objection to the proposed General Permit. All comments received will be evaluated during the review process of this proposed General Permit.

e. Please bring this announcement to the attention of anyone you know who might be interested in this matter. Anyone wishing to make comments may communicate with us at the following address: USACE, Vicksburg District, ATTN: Regulatory Branch, 4155 Clay Street, Vicksburg, Mississippi 39183-3435.

Elizabeth S. Guynes
Chief, Regulatory Branch

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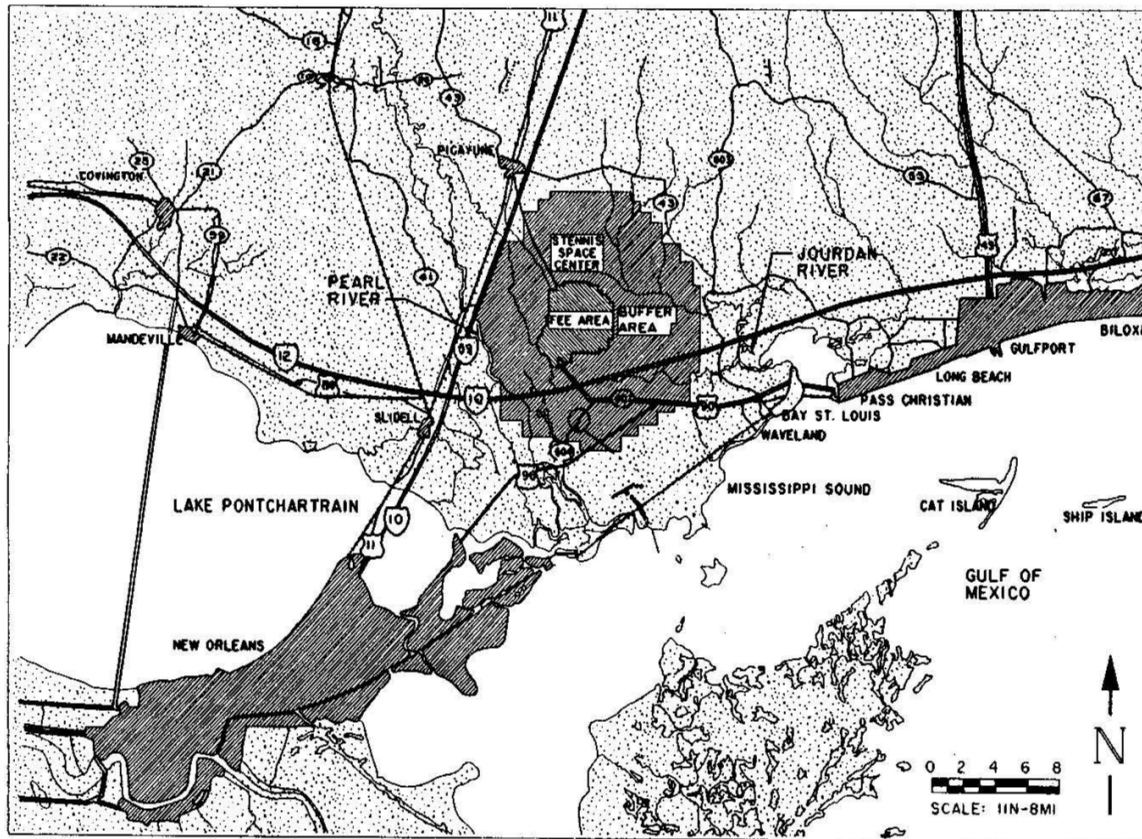


Figure E1.1. General location of Stennis Space Center in Hancock County, Mississippi.

JOHN C. STENNIS SPACE CENTER MITIGATION PROGRAM SUMMARY

John C. Stennis Space Center (SSC) is a U. S. government owned and managed facility situated on the outer coastal plain, straddling the Pearl and Jourdan River drainages. It is composed of 22 square miles of federally owned "Fee Area" originally developed for the testing of large rocket propulsion systems for the space industry. Surrounding the Fee Area is a 200 square mile restrictive easement that excludes development of habitable structures, which is commonly referred to as the "Buffer Zone". The Buffer Zone is owned by NASA, the State of Mississippi, various commercial interests (timber and paper) and private individuals. See Enclosure 1 for a general location map of SSC.

To facilitate proper management of the natural resources at SSC in regards to anticipated development of the site, SSC developed a Special Area Management Plan (SAMP) for the facility that identified areas for future development as well as areas for environmental restoration, enhancement, and protection. It was recognized that planned development at the site would lead to unavoidable impacts to two types of wetland systems; bottomland hardwood wetlands that occurred along streams; and to a much greater extent, pine-flatwood wetlands that occurred throughout the site. To provide onsite compensatory mitigation for unavoidable impacts to these wetland types, the SAMP originally included a 15-acre bottomland hardwood mitigation site (Figure E2.1) and a 115-acre pine-flatwood mitigation site (Figure E2.2; identified as Phase I). Construction activities at SSC soon exhausted the Phase I pine-flatwood mitigation site. In 2000, a 272-acre Phase II pine-flatwoods mitigation area was added (Figure E2.2) that shares almost identical topography, flora and fauna with the Phase I area. In 2002, in anticipation of further development at SSC, an additional 325 acres of restorable pine-flatwoods was added under Phase III of the overall mitigation plan. Of the Phase II acreage, 217 acres are located adjacent to the Phase I and Phase II tracts (Figure E2.2), while the remaining 108 acres are located in an area southeast of these tracts (Figure E2.3).



Figure E2.1. General layout of the 15-acre hardwood enhancement site included in the mitigation plan for Stennis Space Center's Special Area Management Plan.

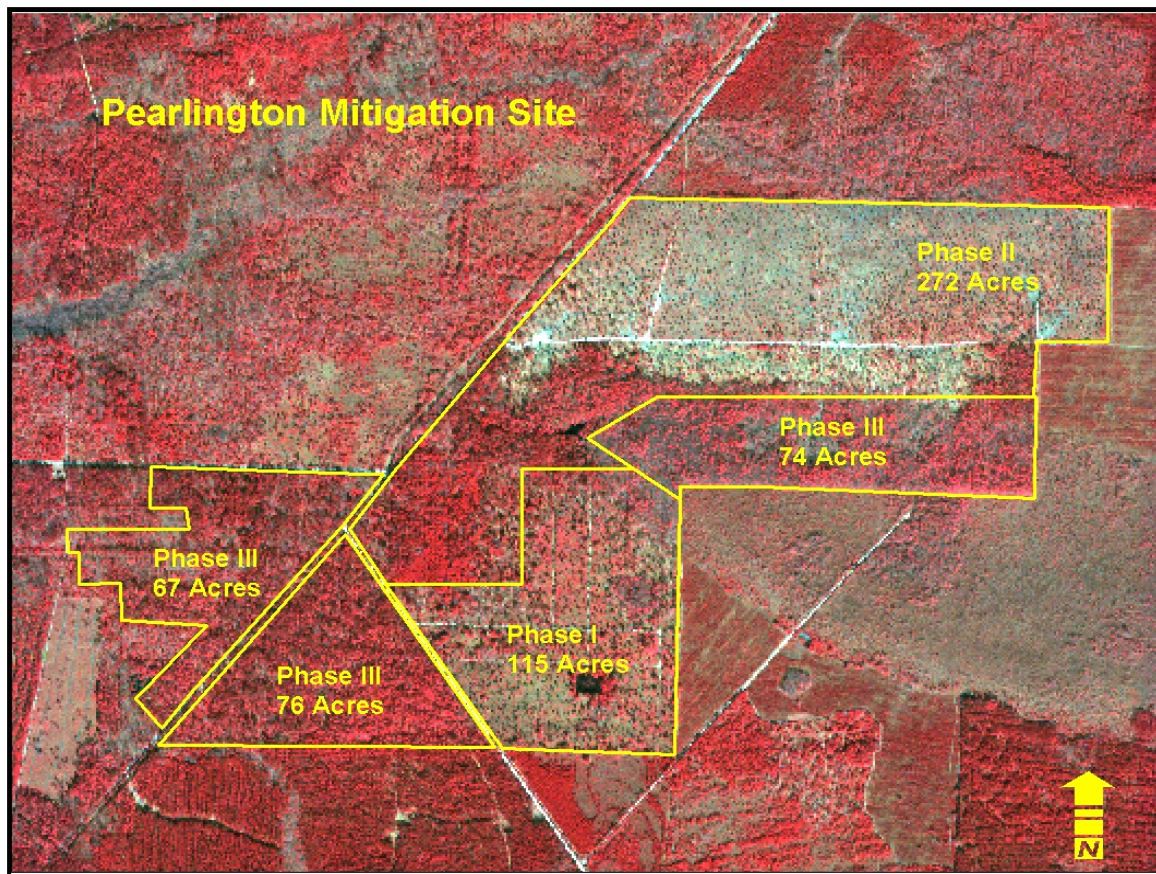


Figure E2.2. General layout of pine-savannah restoration sites included in Phases I, II, and III (partial) of the overall mitigation plan for Stennis Space Center's Special Area Management Plan.

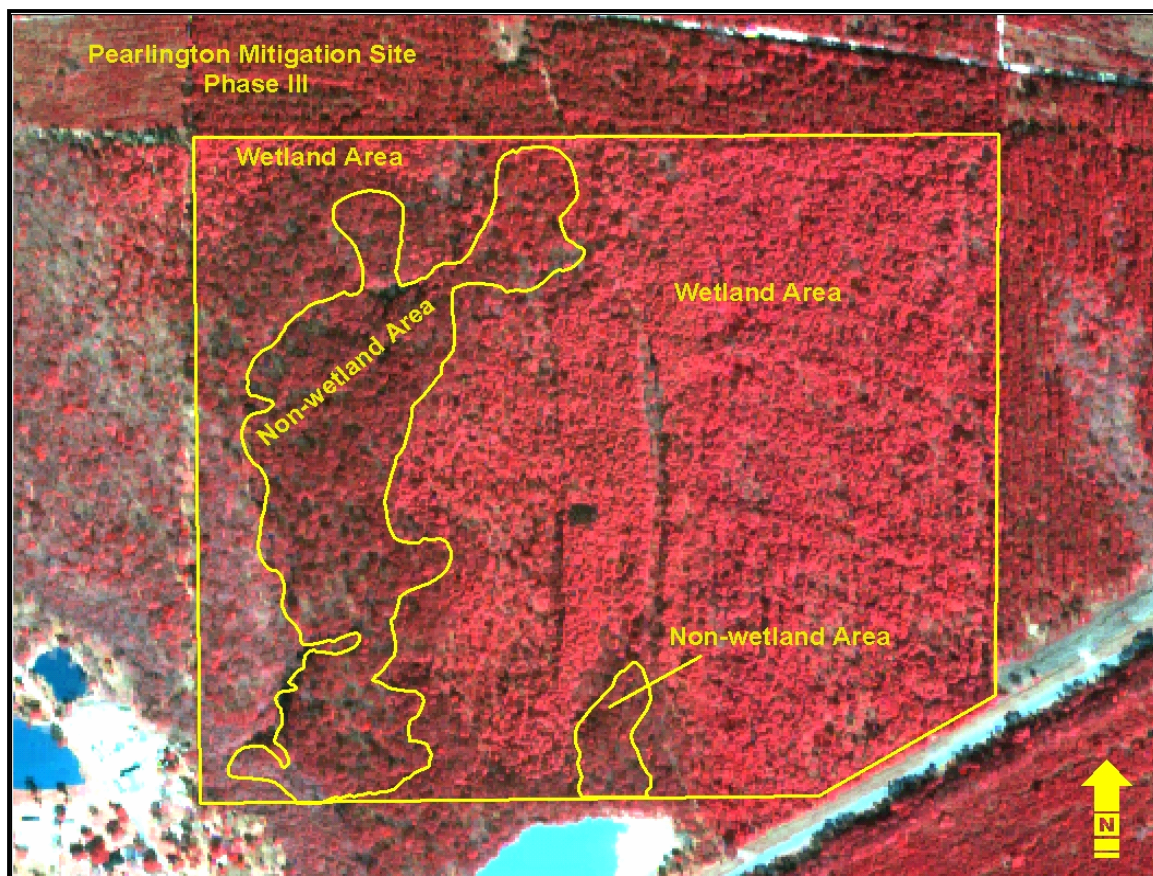


Figure E2.3. General layout of the additional 108-acre tract of pine-savannah restoration sites to be added under Phase III of the overall mitigation plan for Stennis Space Center's Special Area Management Plan.